

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL DOCKET NO.: 3:00CV186-V

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U.S. DISTRICT COURT
W. DIST. OF N.C.

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
and)
)
JOHN A. WARREN and EDDIE)
JOHNSON,)
)
Plaintiff-Intervenors,)
)
v.)
)
CROWDER CONSTRUCTION)
COMPANY,)
)
Defendant.)

MEMORANDUM AND ORDER

THIS MATTER is before the Court on Defendants' "Motion for Summary Judgment" and "Memorandum of Law Supporting Defendant[s] Motion for Summary Judgment . . .," both filed August 31, 2001.

Pursuant to 28 U.S.C. § 636(b)(1)(A) and the standing order of designation, this Court referred the case to United States Magistrate Judge Carl Horn for recommended disposition. In a "Memorandum and Recommendation" filed October 26, 2001, Magistrate Judge Horn recommended that the Defendant's Motion be denied. Defendant filed "Objections to Magistrate Judge's Memorandum and Recommendation" on November 7, 2001. Plaintiff EEOC filed its "Response to Defendant's Objections to Magistrate Judge's Memorandum and Recommendation" on December 20, 2001. On

the same day, Plaintiff-Intervenors filed "Intervenors' Memorandum of Law In Opposition to Defendant's Objections to Magistrate's Memorandum and Recommendation." These filings are deemed to be timely and are considered herein.

The Federal Magistrate Act provides that "a district court shall make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983); Keeler v. Pea, 782 F. Supp. 42, 43 (D.S.C. 1992). *De novo* review is not required by the statute when an objecting party makes only general or conclusory objections that do not direct the court to the specific error in the magistrate judge's recommendations. Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Furthermore, the statute does not require any review at all of issues that are not the issue of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200; Eaker v. Apfel, 152 F. Supp. 2d 863, 864 (W.D.N.C. 1998). Nonetheless, a district court judge is responsible for the final determination and outcome of the case, and, therefore, this Court has conducted a careful review of Magistrate Judge Horn's "Memorandum and Recommendation," as well as a *de novo* review of those issues specifically raised in Defendant's Objections.

Defendant has made several general objections to Magistrate Judge Horn's "Memorandum and Recommendation." All of the objections assert that the Magistrate Judge erred in the conclusions that he reached. As such, Defendant's objections are merely general and conclusory statements that assert disagreement with the Magistrate Judge's recommendation, and, therefore, are not entitled to *de novo* review. Additionally, the "objections" simply reiterate Defendant's legal arguments, which were

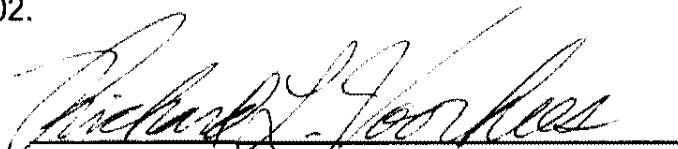
presented to, reviewed, and taken into consideration by the Magistrate Judge in making his recommendation. Therefore, applying the careful standard of review to the Magistrate Judge's recommendation, the Court finds that the Magistrate Judge's findings of fact are supported by the record and his conclusions of law are consistent with the current case law.

Defendant's Objections also requested a hearing on this matter. This Court dispenses with oral argument because the facts and legal contentions are adequately presented in the materials before the Court—including four (4) briefs on the motion for summary judgment and another three (3) briefs with respect to the recommendation—and further argument would not aid the decisional process.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion for Summary Judgment" is hereby **DENIED**.

IT IS FURTHER ORDERED that the Defendant's request for oral argument on the "Memorandum and Recommendation" is hereby **DENIED**.

THIS the 30th day of March, 2002.


RICHARD L. VOORHEES
UNITED STATES DISTRICT COURT JUDGE

United States District Court
for the
Western District of North Carolina
April 1, 2002

* * MAILING CERTIFICATE OF CLERK * *

Re: 3:00-cv-00186

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Judge
Magistrate Judge *GH* (X)
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Court Reporter ()
Courtroom Deputy ()
Orig-Security ()
Bankruptcy Clerk's Ofc. ()
Other _____ ()

Date: 4/1/02

Frank G. Johns, Clerk

By: *M. Yelton*
Deputy Clerk